

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Delaware on the following Patents or Trademarks:

DOCKET NO. 08cv16	DATE FILED 1/9/08	U.S. DISTRICT COURT DISTRICT OF DELAWARE	
PLAINTIFF Riverbed Technology Inc.		DEFENDANT Quantum Corporation A.C.N. 120 786 012 PTY Ltd. Rocksoft Ltd.	
PATENT OR TRADEMARK NO.		DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,990,810		11/23/99	Ross Neil Williams
2			
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,990,810	11/23/99	Ross Neil Williams
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT	
<i>The case was transferred to the USPC for the Northern District of CA. (see DI 22 attached)</i>	

CLERK PETER T. DALLEO, CLERK OF COURT	(BY) DEPUTY CLERK <i>Francesca Passare</i>	DATE 3/7/2008
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RIVERBED TECHNOLOGY INC.,)
)
Plaintiff,)
)
v.) Civ. No. 08-16-SLR
)
QUANTUM CORPORATION, et al.,)
)
Defendants.)

O R D E R

At Wilmington this 27th day of February, 2008, having reviewed the pending motion to dismiss or, in the alternative, to transfer, as well as the parties' submissions regarding jurisdictional discovery, oral argument, and Judge Alsup's order;

IT IS ORDERED that the motion to dismiss is denied and the motion to transfer is granted (D.I. 12), based on the procedural history of this litigation.¹ Although I generally honor a plaintiff's choice of venue, I conclude that the California case is the first-filed in the context of the dispute between these parties. Moreover, consistent with Judge Alsup's order, it makes sense from "a practical judicial-administration viewpoint"

¹More specifically, plaintiff in the case at bar, Riverbed, was sued in California by defendant Quantum for infringing Quantum's '810 patent; Riverbed counterclaimed for infringement of its '249 patent and successfully moved for dismissal of Quantum's California complaint based on a defect in Quantum's exclusive license. Before Quantum could cure the defect, Riverbed filed the above declaratory judgment action in this court, leaving Riverbed the counterclaim plaintiff in the California action and the declaratory judgment plaintiff at bar. (D.I. 20)

to have the entire dispute resolved through a single judge and jury. (D.I. 20) Therefore, although briefing is not complete, I conclude it would be a waste of the court's and parties' resources to pursue discovery or a further briefing practice on the pending motion and hereby order that the above captioned case be transferred to the United States District Court for the Northern District of California. The order scheduling oral argument (D.I. 17) is moot.



United States District Judge